

Bereskin & Parr

INTELLECTUAL PROPERTY LAW

Appl. No. : 10/596,479 Confirmation No.: 7049
Applicant : Bradley L. Urquhart et al.
Filed : March 29, 2007
Title : METHOD OF TREATING ELEVATED PLASMA HOMOCYSTEINE
LEVELS IN ESRD PATIENTS
TC./A.U. : 1614
Examiner : Timothy P. Thomas

Docket No. : 10935-35
Customer No. : 001059

Honorable Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE – RESTRICTION REQUIREMENT

Sir:

The present letter is filed in response to the Restriction Requirement dated January 28, 2008, a Response to which is due on February 28, 2008. Accordingly this Response is timely filed.

Applicants provisionally elect the subject matter of Group III, namely claims 1-15, for initial examination in this application. The Applicant notes that the Examiner has indicated in the Restriction Requirement that the invention of Group III includes claims 1-18, however, claims 16-18 were cancelled by the Applicant in a Preliminary Amendment dated June 14, 2006. Accordingly, this election is made without traverse.

The Examiner has also requested that, if group III is elected, the Applicant elect a single disclosed Mesna or derivative compound selected from Mesna (claim 1), dimesna (claim 2), disMesna (claim 18) or alternative Mesna derivative disclosed in the application. The Applicant elects Mesna which reads on claims 1 and claims 3-15.

The Examiner has also requested that, if group III is elected, the Applicant elect, in a species election, whether the method comprises administering (ii-a), (ii-b) or (ii-c):

- (ii-a) Mesna or derivative thereof (claims 1-13);
- (ii-b) Mesna or derivative thereof in combination with an additional agent (claims 14-15);
- (ii-c) Mesna or derivative thereof in combination with another type of treatment for a disease associated with elevated plasma thiol levels (claims 6, 7, 14, 18).

The Applicants provisionally elect the species (ii-c)

Early and favorable action on the merits is awaited.

The Applicant believes that no fee is required with this response, however, if any fee is due, please charge any fee deficiency or credit any overpayment to the Deposit Account No. 02-2095.

Respectfully submitted,

BERESKIN & PARR

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